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PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,120.0

Complete if Known

Application Number 10/074,028
Filing Date February 14, 2002
First Named Inventor Bernadette M. Gibbs
Examiner Name M. Kidwell
Art Unit 3761
Attorney Docket No. 35664 RCE

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-3685

Deposit Account Name Gosz and Partners, LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	55	Extension for reply within first month	120.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	1,000	2801	385	Request for Continued Examination (RCE)	1,000.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1,000.00

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below		Fee Paid
Total Claims	<input type="text"/>	**-*	<input type="text"/>	x <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	**-*	<input type="text"/>	x <input type="text"/>	= <input type="text"/>
Multiple Dependent				= <input type="text"/>	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Name (Print/Type) William G. Gosz Registration No. (Attorney/Agent) 27,787 Telephone (617) 951-7617
Signature *William Gosz* Date December 19, 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 12/19/05 Signature: *Patricia McKenney* (Patricia McKenney)



Attorney Docket No. H-KN-35664US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s): Bernadette M. Gibbs

Examiner: M. Kidwell

Serial No.: 10/074,028

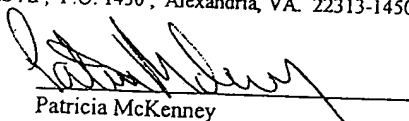
Art Unit: 3761

Filing Date: February 14, 2002

For: DISPOSABLE ABSORBENT GARMENT WITH CURVED SIDE SEAMS

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to the Commissioner for Patents, MS AF, P.O. 1450, Alexandria, VA. 22313-1450 on November 17, 2005.


Patricia McKenney

MAIL STOP AF
Commissioner for Patents
P.O. 1450
Alexandria, VA. 22313-1450

AMENDMENT UNDER RULE 116

Sir:

In response to the Office Action of August 22, 2005, made final, please amend the above-identified patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

COPY

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended): An absorbent article comprising;

a main body having a first main body waist portion, a second main body waist portion and a central main body portion disposed between the first and second main body waist portions, the main body having orthogonal longitudinal and lateral axes; and

a pair of elastic side panels each connecting the first main body waist portion to the second main body waist portion, the main body and the side panels collectively defining a waist opening edge surrounding a waist opening and two leg opening edges, each leg opening edge surrounding a leg opening, each elastic side panel having a first side portion extending laterally outward from the first main body waist portion and terminating in a first outer lateral side panel edge, and a second side portion extending laterally outward from the second main body waist portion and terminating in a second outer lateral side panel edge, the first side portion being attached to the second side portion by a curved side seam, ~~at least a portion of the side seam being curved when the first and second side portions are in a fully extended condition.~~

Claim 2 (original): An absorbent article according to claim 1 wherein the absorbent article comprises a backsheet and wherein the main body includes a first portion of the backsheet, a topsheet attached to the first portion of the backsheet and an absorbent core disposed intermediate the topsheet and the first portion of the backsheet, the elastic side panels being formed at least in part from a second portion of the backsheet.

Claims 3-4 (cancelled).

Claim 5 (currently amended): An absorbent article according to claim 1 wherein ~~the~~ at least a portion of the side seam is formed as a circular arc.

Claim 6 (currently amended): An absorbent article according to claim 1 wherein ~~the~~ at least a portion of the side seam comprises a plurality of curved sub-portions.

Claim 7 (original): An absorbent article according to claim 6 wherein at least two of the plurality of curved sub-portions are formed with different geometric curve types.

Claim 8 (canceled)

Claim 9 (currently amended): An absorbent article according to ~~claim 8~~ claim 1 wherein ~~the first portion of the~~ side seam has a centerline that intersects the waist opening edge at a first intersection point, a tangent to the centerline defining a first seam angle with respect to the vertical axis.

Claim 10 (original): An absorbent article according to claim 9 wherein the first seam angle is in a range from about 0 to about 80 degrees.

Claim 11 (original): An absorbent article according to claim 9 wherein the first seam angle is in a range from about 10 degrees to about 50 degrees.

Claim 12 (original): An absorbent article according to claim 9 wherein the first side seam angle is in a range from about 25 degrees to about 35 degrees.

Claim 13 (currently amended): An absorbent article according to claim 9 wherein the ~~second portion of the~~ side seam has a centerline that intersects one of the leg opening edges at a second intersection point, the centerline defining a second seam angle with respect to the vertical axis.

Claim 14 (original): An absorbent article according to claim 13 wherein the second seam angle is in a range from about 0 to about 80 degrees.

Claim 15 (original): An absorbent article according to claim 13 wherein the second seam angle is in a range from about 10 degrees to about 50 degrees.

Claim 16 (original): An absorbent article according to claim 13 wherein the second side seam angle is in a range from about 25 degrees to about 35 degrees.

Claims 17-25 (canceled)

Claim 26 (original): An absorbent article according to claim 1 wherein the first side portion includes a lower hip region having a lateral hip region edge, the lateral hip region edge intersecting the first outer lateral side panel edge.

Claim 27 (original): An absorbent article according to claim 26 wherein at least a portion of the first outer lateral side panel edge and at least a portion of the lateral hip region edge form a substantially continuous curve.

Claim 28 (currently amended): An absorbent article comprising:

- a main body having a first main body waist portion, a second main body waist portion and a central main body portion disposed between the first and second main body waist portions, the main body having orthogonal vertical and lateral axes;

- a pair of side panels, each side panel connecting the first main body waist portion to the second main body waist portion, the main body and the side panels collectively defining a waist opening edge and two leg opening edges, each side panel being formed from a first side portion extending laterally outward from the first main body waist portion and a second side portion extending laterally outward from the second main body waist portion; and

- a pair of curved side seams, each side seam connecting the first side portion of one of the side panels to the second side portion of the same side panel, each side seam intersecting the waist opening edge at a first seam angle relative to the vertical axis and intersecting one of the

leg opening edges at a second seam angle relative to the vertical axis ~~when the first and second side portions of the associated side panel are in a fully extended condition, at least a portion of each side seam being curved when the first and second side portions of the associated side panel are in a fully extended condition.~~

Claim 29 (original): An absorbent article according to claim 28 wherein at least one of the first and second side seam angles is in a range from about 10 degrees to about 80 degrees.

Claim 30 (original): An absorbent article according to claim 28 wherein at least one of the first and second side seam angles is in a range from about 10 degrees to about 50 degrees.

Claim 31 (original): An absorbent article according to claim 28 wherein at least one of the first and second side seam angles is in a range from about 25 degrees to about 35 degrees.

Claim 32-37 (canceled).

REMARKS

In the Official Action of August 22, 2005, made final, the Examiner states that claims 3, 4, 17-25 and 34-37 are drawn to a nonelected invention, and should therefore be canceled. In accordance with the Examiner's suggestions, and to advance the prosecution of this application, these claims have now been canceled.

The specification has been objected to as failing to provide proper antecedent support for the claimed subject matter. In particular, the Examiner states that the term "fully-extended" is not supported by the original specification.

The expression "fully-extended" has now been deleted from the claims in order to further clarify the meaning of the claims and to advance the prosecution of this application. Accordingly, applicant respectfully submits that this objection has now been obviated.

Claims 1, 2, 5-10, 13, 26, 28, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by the Suekane patent (US Patent No. 5,628,738). This ground of rejection is respectfully traversed.

The Examiner speculates that the side seam portion of the absorbent article described in Suekane is curved when the first and second side portions of the article are in a fully extended condition. However, as clearly shown in Figures 1 and 2 of the reference (particularly Figure 2), the side seams of Suekane are straight, not curved. Contrast this with Figures 2 and 3 of the present application which clearly depict curved side seams. As explained in detail in the present specification, the advantage of using curved side seams is to provide a more comfortable and even fit for the user. Consequently, the articles of the present invention have both structural and functional differences as compared to the structures described in the reference. The claims have been amended in order to highlight this distinction.

Applicant submits that the intended uses of the articles are no longer relevant in view of the present claim amendments. Such intended uses include completely speculative uses, such as the shape of the side seam resulting from pulling the seams outward as stated in the Official Action.

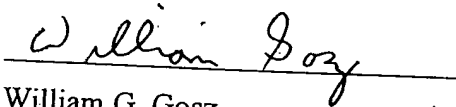
Claims 11-12, 14-16, 27, 29-31 stand rejected under 35 U.S.C. 103(a) as being obvious over Suekane. This ground of rejection is respectfully traversed.

The Examiner states that it would have been obvious for one skilled in the art to modify the seam angles in order to reach optimal conditions as disclosed in the claims. However, since, as pointed out above, the Suekane reference is directed to straight side seams and not curved side seams, one skilled in the art would have no basis for performing the proposed optimization as contended by the Examiner.

In view of the aforementioned facts and reasons, the present application is now believed to overcome the remaining rejections in this application, and to be in proper condition for allowance. Applicant submits that the above-identified amendments only serve to further clarify the claimed invention, and do not raise any additional issues or require any further consideration on the part of the Examiner at this time. Accordingly, entry of the foregoing amendment, and reconsideration and withdrawal of the rejection, is respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below to discuss any matter pertaining to the status of this application.

Dated: 11/17/05

Respectfully submitted,



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Tel No. 781-863-1116